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*Attorneys For Defendants
and Nominal Defendant*

14 **UNITED STATES DISTRICT COURT**

15 **CENTRAL DISTRICT OF CALIFORNIA**

16 VIVIAN R. DULBERG, Derivatively on Behalf
17 of Herself and All Others Similarly Situated,

18 Plaintiff,

19 vs.

20 FRANCO PLASTINA, WILLIAM H.
21 EVERETT, GREGORY S. RUSH,
22 MARK A. FLOYD, RONALD W. BUCKLY,
23 HUBERT DE PESQUIDOUX, DAVID R.
24 LAUBE, CAROL G. MILLS, KRISH PRABHU,
25 AND MICHAEL P. RESSNER

26 Defendants,

27 -and-

28 TEKELEC, a California corporation,

Nominal Defendant

Case No. 8:11-CV-00351 JVS (RNBx)

**Joint Stipulation Staying Case Pending the
Motion to Dismiss in the Related Securities
Class Action**

1 Plaintiff Vivian Dulberg and Defendants Franco Plastina, William H. Everett, Gregory S.
2 Rush, Mark A. Floyd, Ronald W. Buckly, Hubert de Pesquidoux, David R. Laube, Carol G. Mills,
3 Krish Prabhu, and Michael Ressler (collectively "Defendants") and Nominal Defendant Tekelec,
4 through their attorneys, hereby jointly stipulate to stay the above-captioned litigation ("Derivative
5 Litigation") until and through the resolution of the motion to dismiss that will be filed in a related
6 securities class action lawsuit pending in the United States District Court for the Eastern District of
7 North Carolina. In support of their joint stipulation, the parties state as follows:

8 1. This joint stipulation will promote the efficient and orderly administration of justice.
9 2. This joint stipulation will also help coordinate the Derivative Litigation with a
10 securities class action lawsuit that was filed against Tekelec, Franco Plastina, William Everett, and
11 Gregory Rush, captioned *Pipefitters Local No. 636 Defined Benefit Plan v. Tekelec, et al.*, No. 11-
12 cv-00004-D (E.D.N.C.) ("Securities Class Action").

13 3. The Securities Class Action is governed by the Private Securities Litigation Reform
14 Act of 1995 ("PSLRA"), which provides a mechanism by which a lead plaintiff or lead plaintiff(s)
15 are appointed and lead plaintiffs' selection of lead counsel is approved. The PSLRA also imposes a
16 stay on discovery in the Securities Class Action until after plaintiffs have established that they can
17 state a claim for relief against the defendants. In accordance with the PSLRA, the plaintiffs filed a
18 motion for appointment as lead plaintiffs and for approval of their selection of co-lead counsel,
19 which was granted on April 28, 2011.

20 4. Pursuant to a scheduling order entered by the court in the Securities Class Action, the
21 defendants currently expect to file a motion to dismiss the complaint within sixty days of either (i)
22 receiving notice that lead plaintiff will not file an amended complaint, or (ii) the filing of an
23 amended complaint, which must be filed within sixty days of the order appointing a lead plaintiff.

24 5. The issues, parties, and allegations in the Derivative Litigation overlap substantially
25 with the issues, parties, and allegations in the Securities Class Action. It would therefore constitute a
26 waste of judicial resources for the Court and the parties to litigate the Securities Class Action and the
27 Derivative Litigation at the same time. Indeed, the Court has previously stayed shareholder
28

1 derivative cases under similar circumstances. *See, e.g., Cucci v. Edwards*, Case No. 07-532, 2007
2 WL 3396234 (C.D. Cal. Oct. 31, 2007); *Breault v. Folino*, Case No. 01-826, 2002 WL 31974381
3 (C.D. Cal. Mar. 15, 2002).

4 WHEREFORE, the parties jointly stipulate:

5 a) The Derivative Litigation (including all discovery) shall be stayed until after
6 the court rules on the expected motion to dismiss the complaint or any amended complaint in the
7 Securities Class Action; and

8 b) Within 7 days after the court rules on the expected motion to dismiss the
9 complaint or any amended complaint in the Securities Class Action, the parties shall meet and confer
10 and submit a proposed scheduling order governing further proceedings in the Derivative Litigation.

11 STIPULATED AND AGREED TO:

12 DATED: May 4, 2011

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14 GLANCY BINKOW & GOLDBERG LLP

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16 By: s/ Ex Kano S. Sams II
17 AN ATTORNEY FOR PLAINTIFF

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19 KATTEN MUCHIN ROSENMAN LLP

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21 By: s/ Richard H. Zelichov
22 AN ATTORNEY FOR DEFENDANTS
23 AND NOMINAL DEFENDANT
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